

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

STANLEY ST. CLAIR,	)	
Petitioner,	)	
	)	No. 1:11-cv-691
-v-	)	
	)	HONORABLE PAUL L. MALONEY
SHIRLEE HARRY,	)	
Respondent.	)	
_____	)	

**ORDER ADOPTING REPORT AND RECOMMENDATION OVER OBJECTIONS**

Stanley St. Clair filed an application for writ of habeas corpus under 28 U.S.C. § 2254. The magistrate judge has reviewed the application and issued a report recommending the application be denied as time-barred. (ECF No. 3.) St. Clair filed objections. (ECF No. 4.)

The Court has reviewed the report and recommendation in light of the objections under the standards outlined in Fed. R. Civ. P. 72(b) and *Mira v. Marshall*, 806 F.2d 636, 637 (6th Cir. 1986) (per curiam). The Court finds the report and recommendations factually sound and well-reasoned. The application challenges the state trial court's jurisdiction over him in the 1986 action that resulted in his conviction. The time to raise this challenge expired on April 24, 1997, one year after the Antiterrorism and Effective Death Penalty Act was enacted. The fact that, from 1989 through 2008, St. Clair was wanted for parole violations for that conviction and was not in custody does not equitably toll the 1997 deadline. Even if the application was timely filed, it does not present a violation of a federal-constitutional right. *See Turner v. Palmer*, No. 10-cv-15004, 2011 WL 35655, at \* 2 (E.D. Mich. Jan. 5, 2011) (finding that whether the state court was vested with jurisdiction under state law is a determination for state courts and not federal courts in an application for writ of habeas relief).

Accordingly, the report and recommendation (ECF No. 3) is **ADOPTED**, over objections,

as the opinion of this Court. The application for writ of habeas corpus is **DENIED** as time-barred by the statute of limitations. **IT IS SO ORDERED.**

Date: August 26, 2011

/s/ Paul L. Maloney  
Paul L. Maloney  
Chief United States District Judge